

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3743)
 Examiner: John Ford)
 Inventor: Yukio Uemura et al.)
 Serial No: 08/950,826)
 Filed: October 15, 1997)
 For: **Air Conditioning Apparatus**)
 Attorney Docket: 4041J0063CPA)

DECLARATION OF
KENJI SUWA

Hon. Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Dear Sir:

I, Kenji Suwa, declare that:

1. I am one of the inventors of the United States Patent Application Serial Number 08/950,826 referenced above.
2. I believe that Yukio Uemura and Kazushi Shikata are the other inventors of the U.S. 08/950,826 application and that we three are the only inventors of the U.S. 08/950,826 application.
3. I am one of the inventors of the Japanese patent application JP 8-152721.
4. I believe that Yukio Uemura and Kazushi Shikata are the other inventors of the JP 8-152721 application and that we three are the only inventors of the JP 8-152721 application.
5. Figures 11A-11D of the U.S. 08/950,826 application correspond to Figures 8a-8d of JP 8-152721 which is one of the priority documents for the U.S. 08/950,826 application.
6. The term "conventional air conditioning unit" was used to describe the air conditioning unit in Figures 11A-11D without sensor 39 present. This "conventional air

conditioner" without sensor 39 is shown in JP 5-124426 which was identified as prior art for the U.S. 08/950,826 application.

7. The inventors of U.S. 08/950,826 added sensor 39 to the "conventional air conditioner" to experimentally study what happens when a sensor is added to the first air passage and what happens when a sensor is added to the second air passage. This study is described in the partial translation of JP 8-152721 under the heading "problem to be solved by the invention" beginning on page 2.

8. The designation of Figures 8a-8d and 11A-11D as "prior art" is correct for the air conditioner without sensor 39 but it is not correct for the air conditioner with sensor 39. My confusion in the terminology comes from the fact that a "conventional air conditioner" (without sensor 39) was used for our experimental study. It did not occur to me until now that the addition of sensor 39 required the removal of the "prior art" designation for these figures.

9. I have reviewed JP-A-7-47831 in relation to sensor 80. While the specification states that sensor 80 detects the temperature of air immediately after having passed through evaporator 31, JP-A-7-47831 is silent as to its location and I do not personally know of its location.

FURTHER DECLARANT SAYETH NOT.

DATE: Oct. 7. 2000

NAME: Kenji Suwa

Kenji Suwa